DEPARTMENT OF THE NAVY
COMMANDER NAVY REGION SOUTHWEST
937 NO. HARBOR DR.
SAN DIEGO, CALIFORNIA 92132-0058

IN REPLY REFER TO:
5090
Ser N45JWW.dv/0262
July 28, 2003

Mr. John Robertus
Executive Officer
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Dear Mr. Robertus:

Comments to tentative Order No. R9-2003-0265 are submitted as enclosure (1). We appreciate the opportunity to review and comment on the draft permit.

Since the submittal of the original permit renewal application on February 11, 2003, effluent changes have been made to Outfall 004. These changes are further discussed in enclosure (1). For this reason, enclosure (2) is provided to amend the original EPA Form 2C. Required sampling for Outfall 004 is scheduled for July 31, 2003. Part V of EPA Form 2C will be submitted as soon as analytical results are received.

If there are any questions regarding this letter, please feel free to contact Mr. David Valley, Water Program Specialist at (619) 524-6397.

Sincerely,

ROBERT A. CHICHESTER
Director, Water Program
By direction of the Commander

Enclosure: 1. CNRSW COMMENTS TO TENTATIVE ORDER NO. R9-2003-0265, NPDES NO. CA0107867, WASTE DISCHARGE REQUIREMENTS FOR U.S. NAVY GRAVING DOCK, LOCATED AT NAVAL STATION SAN DIEGO, SAN DIEGO COUNTY
2. USEPA Form 2C (Amended)

July 28, 2003

CNRSW COMMENTS TO:

TENTATIVE ORDER NO. R9-2003-0265, NPDES NO. CA0107867, WASTE DISCHARGE REQUIREMENTS FOR U.S. NAVY GRAVING DOCK, LOCATED AT NAVAL STATION SAN DIEGO, SAN DIEGO COUNTY

1. **General Comment**
Emergency Fire Suppression (EFS) Water will no longer be discharged to San Diego Bay. A new discharge associated with the Graving Dock's "Saltwater Supply System (SSS)" will become the operation description for Outfall 004. The Saltwater Supply System is in the final stages of installation and will soon be turned over to the Navy by the contracting firm who installed it. Upon taking possession of the Saltwater Supply System, the Navy will test the discharge water as required under the requirements of Form II C, and forward the analytical results to the SD RWQCB. Sampling for California Toxics Rule Priority Pollutants and the Implementation Policy will also be done at that time. Sampling is currently scheduled for July 31, 2003 at 09:00. A revised facility map and amended USEPA Form 2C is submitted with these comments as enclosure (2) to this cover.

Permit

2. Page 2. Section 3.; Recommend adding the words, "directly or indirectly" to the sentence, "The USN Graving Dock currently diverts these discharges directly or indirectly to the San Diego Metropolitan Sanitary Sewer System (SDMSSS).

3. Page 2. Section 4.a.; Recommend changing "Emergency fire suppression water" to "Saltwater Supply System".

4. Page 2. Section 5. Recommend inserting the following statement from the existing permit;
"This order does not apply to discharges from vessels which occur at the graving dock facility which are independent of Ship Repair Operations (i.e. cooling water) However, the Navy may be responsible for the consequences (e.g. cleanup) of discharges within and from the graving dock, including those discharges which are not subject to National Pollution Discharge Elimination System (NPDES) requirements, pursuant to 40 CFR 122.3."

5. Page 7. Section B.1.a. Recommend changing "Emergency fire suppression water" to "Saltwater Supply System".

6. Page 8. Section B.2. Recommend changing EFS to Saltwater Supply System (SSS)

7. Page 8. Section B.2. Recommend adding language under Acute Toxicity stating that,
"The Acute Toxicity standard may be reconsidered based upon the outcome of the Navy's ongoing Alternative Toxicity Monitoring study."

8. Page 9. Section B.3: Recommend adding language under Acute Toxicity stating that,
"The Acute Toxicity standard may be reconsidered based upon the outcome of the Navy's ongoing Alternative Toxicity Monitoring study."

9. Page 12. Section E.9: Please clarify if this requirement means that if the QA/QC sample fails and the results are declared invalid the discharge shall be subject to an enforcement action. As an example, during an Acute Toxicity test the QA/QC sample fails due to a bad batch of marine

organisms, rendering the test in valid, the SD RWQCB would issue an enforcement action for this failure.

10. Page 13, Section F.5. ; "...a written follow-up report within ten days..." Please clarify "calendar" or "working" days.

11. Attachment A, Facility Map. Please note that the facility map (attached with these comments) has been updated to identify the discharge location of the Saltwater Supply System Outfall 004. Also, a correction to the discharge locations of dewatering Outfalls 001 and 002 has been made. Both outfalls are located on the north side of the Graving Dock's ship entrance.

12. Attachment B, Page B-1, Section 2. The San Diego Unified Port District is listed as an authorized inspector for the Graving Dock Facility. The San Diego Unified Port District has no jurisdiction over the Graving Dock. Therefore, this requirement should be removed from the new permit.

13. Attachment B, Page B-2, Section 3.b. Please note typo on the word BM*s*P.

14. Attachment B, Page B-4, Section 6.a.(4). In reference to the first sentence; the phrase "... in storm water discharges or non storm water discharges upon adoption of this order." The purpose in this requirement is difficult to understand. Please provide the rationale for inserting this phrase and changing it from the existing Graving Dock permit language. Recommend keeping August 12, 1998 permit language. Also, please note typo on the word "adoption".

15. Attachment B, Page B-4, Section 6.a.(6). Please note that the Graving Dock has no pervious areas and as such, the Soil Erosion BMP requirement is not applicable. Recommend removing from the permit language.

16. Attachment B, Page B-7, Section 8.c.(16). Please note that the Graving Dock does not have a Floating drydock, shipbuilding ways, or marine railway. Recommend removing these items from the permit.

17. Attachment B, Page B-8.c.(22). Please note that the Graving Dock does not have ship launch grease/wax. Recommend removing this item from the permit.

18. Attachment B, Page B-9, Section 8.d.(1)(h) Please note that the Graving Dock has no pervious areas and as such, the Soil Erosion BMP requirement is not needed. Recommend removing this item from the permit.

19. Attachment B, Page B-10, Section 9.d. (Last sentence), Recommend the words "storm water" be inserted into the sentence, "The evaluation report shall be submitted as part of the annual **storm water** report (see Monitoring and Reporting Program), retained..."

CNRSW COMMENTS TO:

TENTATIVE ORDER NO. R9-2003-0265, NPDES NO. CA0107867, WASTE DISCHARGE REQUIREMENTS FOR U.S. NAVY GRAVING DOCK, LOCATED AT NAVAL STATION SAN DIEGO, SAN DIEGO COUNTY

20. Attachment E, Page E-1, "Existing ship modification, repair, and maintenance site (existing site)" This is a new definition added to this permit compared to the existing August 12, 1998 permit. What is the source of this definition and what was the rationale for adding it to the permit?

21 Attachment E, Page E-1, "First flush of storm water runoff" This is a new definition of this term compared to the existing August 12, 1998 permit. What was the source of this definition and what was the rationale for changing it from the first ¼ inch of precipitation to the current version of the first 1-inch of precipitation?

22. Attachment E, Page E-2, "High risk areas" The definition of this term has changed compared to language in the existing August 12, 1998 permit. Please provide the source of this definition and the rationale(s) for changing this definition from the existing permit language. (Please see below.) The words in bold print identify the differences in the two definitions.

Draft Permit definition:

> *"High risk areas are areas where wastes or pollutants **from ship modification, repair, and maintenance activities** (including abrasive blast grit material, primer, paint, paint chips, solvents, oils, fuels, sludges, detergents, cleansers, hazardous substances, toxic pollutants, non-conventional pollutants, materials of petroleum origin, or other substances of water quality significance) are **subject to** exposure to precipitation, run-on, and/or runoff."*

Existing Permit definition:

> *"High risk areas are areas where **significant quantities of** wastes or pollutants (including abrasive blast grit material, primer, paint, paint chips, solvents, oils, fuels, sludges, detergents, cleansers, hazardous substances, toxic pollutants, non-conventional pollutants, materials of petroleum origin, or other substances of water quality significance) are **exposed** to precipitation, run-on, and/or runoff **and there is a pathway by which the exposed wastes or pollutants could be discharged**."*

If no source or rationale can be determined, recommend the following definition be used to better reflect existing permit conditions:

> *"High risk areas are areas where **significant quantities of** wastes or pollutants **from ship modification, repair, and maintenance activities** (including abrasive blast grit material, primer, paint, paint chips, solvents, oils, fuels, sludges, detergents, cleansers, hazardous substances, toxic pollutants, non-conventional pollutants, materials of petroleum origin, or other substances of water quality significance) are **subject to** exposure to precipitation, run-on, and/or runoff **and there is a pathway by which the exposed wastes or pollutants could be discharged**."*

23. Attachment E. page E-2, "Natural Light" The August 12, 1998 permit definition of Natural Light has "as specified by the SDRWQCB." in it. The draft permit changes this language to "as specified by the Executive Officer." Please provide the rationale for the change in definition.

TENTATIVE ORDER NO. R9-2003-0265, NPDES NO. CA0107867, WASTE DISCHARGE REQUIREMENTS FOR U.S. NAVY GRAVING DOCK, LOCATED AT NAVAL STATION SAN DIEGO, SAN DIEGO COUNTY

24. Attachment E., page E-3 "New ship construction, modification, repair, and maintenance site (new site)". This is a new definition added to the permit. Please provide the source of this definition and what was the rationale for adding it to the permit.

25. Attachment E. Page E-3, "Ship construction, modification, repair, and maintenance facilities". This is a new definition added to the permit. Please provide the source of this definition and what was the rationale for adding it to the permit.

Monitoring and Reporting Program

26. Page M-2, Section B.3. and Section B.11. where it requires that:

"Duplicate copies of the monitoring reports (or results) ...must be submitted to the USEPA...."

Due to the large volume of paperwork generated for monitoring reports, including other consumable resources that are required to duplicate these reports (i.e. binders, dividers, VHS tapes, etc.), it is requested that report submittals to the USEPA be limited to the Annual Report Summary. The Annual Report Summary provides detailed information concerning the Annual Stormwater Report, The Annual Sediment Monitoring Report, and the Annual Effluent Monitoring Report.

27. Page M-3, Section C.1. (2 locations) and Table 1. Recommend changing "Emergency fire suppression" to "Saltwater Supply System".

28. Page M-5, Section C.2. (Last paragraph), Recommend changing "quarterly effluent monitoring report" to "Graving Dock Flooding Log" to better define the type of effluent monitoring being reported.

29. Page M-6, Section D.3.a.ii. There is a concern with the language: *"...(even if the sample is not taken during the first hour of the discharge)"* that has been added to this requirement. We believe this additional language was added to the permit in order to avoid a wet season where no sampling may occur. While we understand the rationale for adding this language, CNRSW does not agree that it is correct. Adding this language could skew sample results for data comparison with one set of data representing first flush storm water discharge and a second set of data representing an 11th hour of a storm water discharge.

For this reason, CNRSW believes the definition should not be altered. The decision to sample or not to sample a rain event that occurs outside of the currently defined time frame should be left to the discharger and should be based upon the specifics of each particular rain event. This will help to normalize the data for comparison.

30. Page M-7, Section D.3.Table 2, Chronic Toxicity is listed as a monitoring requirement for Industrial Storm Water Discharges at the Graving Dock. Chronic Toxicity is not listed as a monitoring requirement in the Continental Maritime, Southwest Marine, or NASSCO NPDES Permits. Please provide the rationale for making this a requirement for the Graving Dock when this parameter is not required in other neighboring shipyard permits. CNRSW requests that these

monitoring requirements be uniformly applied to these permit holders. Please see attached Addendum No. 1 to Order 98-53 NPDES Permit No. CA0107867, dated November 18, 1998 with a Chronic Toxicity testing discussion from the SWRCB.

31. Page M-8, Table 2, footnotes, If Chronic Toxicity is removed from this permit, Footnote 4 will no longer be needed.

32. Page M-8, Section D.4.a. This is a new definition of this term compared to the existing August 12, 1998 permit. Recommend adding the following items (in **bold**) to match the current permit language.

> *"The discharger shall visually observe and collect samples of storm water discharges from all drainage areas* ***where industrial activities occur or have occurred during the previous year.*** *The storm water discharge collected and observed shall be representative of the storm water discharge in each drainage area."*

33. Page M-9, Section D.5.a.iii. Recommend changing the word "proceeding" to "preceding".

34. Page M-9, Section D.5.d. This is a new requirement. While we understand the rationale for adding this language, CNRSW does not agree that it is correct. Adding this language could skew sample results for data comparison with one set of data representing first flush storm water discharge and a second set of data representing an 11th hour of a storm water discharge.

For this reason, CNRSW believes the definition should not be altered. The decision to sample or not to sample a rain event that occurs outside of the currently defined time frame should be left to the discharger and should be based upon the specifics of each particular rain event. This will help to normalize the data for comparison.

35. Page M-11, Section D.8.d. For clarification, recommend the words "Attachment B, Section 9.d. of" be inserted into the sentence, "...required by **Attachment B, Section 9.d of** Order No...R9-2003-0265;"

36. Page M-11, Section E.1. Flood Water is not listed in the sub-paragraphs. SDRWQCB letter dated March 7, 2003 and SDRWQCB letter dated June 2, 2003 requires effluent analysis for priority pollutants to be submitted for Flood Water (Outfalls 001 and 002). Sample collection is scheduled for August 4, 2003 at 08:00.

37. Page M-11, Section E.1.a. Recommend changing "Emergency fire suppression" to "Saltwater Supply System".

38. Page M-12, Section F. Table 3, Annual reporting requirement due date has been changed from March 1 to August 30. Recommend keeping the Report Period the same as the existing permit and changing the Due Date for annual reports from March 1 to September 1.

CNRSW COMMENTS TO:

TENTATIVE ORDER NO. R9-2003-0265, NPDES NO. CA0107867, WASTE DISCHARGE REQUIREMENTS FOR U.S. NAVY GRAVING DOCK, LOCATED AT NAVAL STATION SAN DIEGO, SAN DIEGO COUNTY

39. Page M-12, Section F. Table 3, Recommend Appendix A Priority Pollutants and 2,3,7,8-TCDD and congeners Report Period "start date" be changed to accommodate two sampling events scheduled for July 31, 2003 and August 1, 2003. If not changed, these sampling requirements will need to be postponed until the next flooding event scheduled some time in October 2003.

40. Page M-12, Section F. Table 3. For clarity and easy reference, recommend listing the "Report Types" in column 1 of Table 3. as follows:

Table 3. Monitoring and Reporting Schedule. (Recommended changes are in ***Bold Italics***)

Report *Type*/Frequency	Report Period	Report Due
Monthly ***Compliance Certification***	Each month	By the first day of the second month after the month of sampling
Quarterly ***Spill and Illicit Discharge Log*** ***Graving Dock Flooding Log*** ***Graving Dock Floodwater Monitoring Report (Video Tape)***	January through March April through June July through September October through December	May 1 August 1 November 1 February 1
Semi-Annually ***Waste Hauling Log***	January through June July through December	August 1 February 1
Annually ***Annual Report Summary*** ***Effluent Monitoring Report*** ***Storm Water Monitoring Reports with Annual Comprehensive Site Compliance Evaluation Report and Certification (Attachment B requirement)*** ***Chemical Utilization Audit*** ***Sediment Monitoring Report***	***July1 through June 30***	***September*** 1
Annual storm water monitoring	July 1 through June 30	August 1
Instances of noncompliance	per *Monitoring Provision B.9*, page M-2	As specified in *Monitoring Provision B.9*, page M-2
Appendix A Priority Pollutants	***July 30***, 2003 through June 30, 2004	August 1, 2004
2,3,7,8-TCDD and congeners	***July 30***, 2003 through June 30, 2005	August 1, 2004, or August 1, 2005

41. Page M-14, Section K.1.b. Recommend that the language remains the same as in the current MRP, Page M-23, Section G.a.iii. for discarding the sediment samples.

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42. Page M-15, Section K.2. (Final sentence) Remove "and" from *"The final Sample Collection Plan **and** shall..."*

43. Page M-17, Table 5. Arsenic, Recommend replacing EPA Method "7060 or 7061" with EPA Method "6010 or 6020" because ICP/MS is the Best Available Technology.

44. Page M-17, Table 5. Lead, Recommend replacing EPA Method "7421" with EPA Method "6010 or 6020" because ICP/MS is the Best Available Technology.

45. Page M-17, Table 5. TPH, Recommend replacing EPA Method "8015 or DHS" with EPA Method "8270" because to accommodate reporting requirements identified in footnote 3.

46. Page M-17, Table 5. PCBs/PCTs, EPA Method "8080" is no longer used. For PCBs, recommend replacing EPA Method "8080" with EPA Method "8082". For PCTs, recommend replacing EPA Method "8080" with analysis method GC-ECD.

47. Page M-18, Footnote 6. Recommend that Footnote 6 be removed.

48. Page M-18, Section L. Recommend that Section L. read, *"**SEDIMENT** MONITORING RESULTS AND REPORTS"*.

49. Page M-18, Section L.1. Recommend that Section L.1. read, *"**SEDIMENT** MONITORING REPORTS"*. Sediment monitoring results are not reported on Discharge Monitoring Report forms. Therefore, recommend the paragraph that follows read something like:

> *"Sediment monitoring results must be reported in a format that will facilitate an objective evaluation of sediment conditions. The sediment monitoring report shall be submitted..."*

50. Page M-18, Section L.1. Recommend removing the word "Discharge" from the paragraph preceding L.1.a..

51. Page M-20, Section M.1. Discusses Sediment Monitoring Suspension. A sediment monitoring program for Chollas and Paleta creek TMDL development is slated to start in 2004. The TMDL being developed in these areas is for sediment and will be conducted by the Navy in conjunction with SD RWQCB Staff. CNRSW requests that Graving Dock Sediment Monitoring requirements be suspended during Chollas and Paleta Creek TMDL sediment sampling. Once Chollas and Paleta Creek TMDL sediment sampling is complete, the SD RWQCB can determine if the Graving Dock sediment monitoring requirement should be resumed.

52. Page M-18, Section L.1. Recommend removing the word "Discharge" from the paragraph preceding L.1.a..

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53. Historical laboratory test data have shown where the following constituents have not been detected in the Caisson Gate Ballast Water from the time Order No. 98-53 has been issued to present.

Oil & Grease	Settleable Solids	Arsenic	Cadmium
Chromium	Lead	Mercury	Nickel
Silver	PAHs		

Historical data have also shown where Tributyltin and Total Residual Chlorine were detected only once during this five year period; Tributyltin, at 0.011 µg/L, collected on May 22, 2000 and Total Residual Chlorine, at the laboratory reporting limit of 0.06 mg/L, collected on November 12, 1998.

There is no reason to suspect or believe that these constituents could be, or would have the potential to be introduced into the Caisson Gate Ballast effluent water. For this reason, it is requested that the above mentioned constituents be permanently removed from the monitoring requirements of Order No. R9-2003-0265.

Fact Sheet

54. Page 4, Section C, Replace Emergency Fire Suppression (EFS) Water narrative with the Saltwater Supply System (SSS) narrative (below). Edit Table of Contents and List of Tables accordingly. Note: Emergency Fire Suppression water discharges will be diverted to the sanitary sewer.

C. Saltwater Supply System (Testing)

55. The Graving Dock's Saltwater Supply System has been restored to its near original design. It replaced an interim service, which supplied salt water from Pier 13 through a failing pipeline to the Graving Dock Facility. Water is now taken from the Graving Dock dewatering channel, located on the north side of the Graving Dock ship entrance, at 33 feet below Mean Low Level Water (MLLW). Salt water is delivered to ten service galleries located along the upper walls of the Graving Dock basin using three pumps; each rated at 350 GPM at 125 psi. All discharges from these pumps are diverted to the sanitary sewer system.

The Saltwater Supply System is also designed to serve as a fire protection system. This part of the system employs two fire pumps; each rated at 1,500 GPM at 150psi. The manufacturer's product specification recommends that the two fire pumps and pressure relief valve be operationally tested for five minutes each week. Thus, 15,000 gallons per week of salt water will be discharged to San Diego Bay. All other discharges from these pumps are diverted to the sanitary sewer system.

56. Page 9, Section IV, CNRSW Requests a copy to be provided of the NPDES Permit Rating Worksheet used to calculate USN Graving Dock point score.

CNRSW COMMENTS TO:

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57. Page 11, Section V.B, Please note that the introduction of the *Water Quality Control Policy for Enclosed Bays and Estuaries of California (Bays and Estuaries Policy)* states,

> *"This policy does not apply to wastes from vessels or land runoff except as specifically indicated for siltation (Chapter III4.) and combined sewer overflows (Chapter III7.)."*

58. Page 15, Section VIII. REFERENCES, An inspection of the U.S. Navy Graving Dock was conducted on February 12, 2003 by SD RWQCB contracted inspectors. It is requested that this inspection report be added to this listing.

Encl (1)